

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Robert Devoto on August 17, 2009.

The application has been amended as follows:

In line 1 of claim 77, change "37" to -72-

In line 1 of claim 77, between "...wherein the..." and "shearing of the tissue", insert -cutter is configured to cut tissue by shearing the tissue between a surface of the cutter and another surface of the tissue cutting instrument and wherein the-

In line 1 of claim 78, change "48" to -81-

In line 1 of claim 78, between "...wherein the..." and "shearing of the tissue", insert -cutter is configured to cut tissue by shearing the tissue between a surface of the cutter and another surface of the tissue cutting instrument and wherein the-

In line 1 of claim 79, change "1" to -72-

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID W. BATES whose telephone number is (571)270-7034. The examiner can normally be reached on Monday-Friday 9:00AM - 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Barrett can be reached on 571-272-4746. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. W. B./
Examiner, Art Unit 3775

/Thomas C. Barrett/
Supervisory Patent
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